



Legislation Text

File #: 23-0378, **Version:** 1

Recommendation to receive supporting documentation into the record and conclude the public hearing and consider a third-party appeal (APL23-002) by the Coalition for Responsible Equitable Economic Development Los Angeles (CREED LA), which appeal was submitted to the City of Long Beach on behalf of the Appellant by Alisha Pember of the law firm Addams Broadwell Joseph & Cardozo;

Adopt resolution approving and certifying an Addendum (EIRA-02-22) to the Program Environmental Impact Report (PEIR) for the City of Long Beach Downtown Plan (PEIR-SCH# 2009071006) relating to the development project at 450 The Promenade North/501-599 Long Beach Blvd (Project) in the Downtown Plan Planned Development District (PD-30) Area and pursuant to the approved Downtown Plan Program EIR Land Use Equivalency Program (Equivalency Program), in accordance with the provisions of the California Environmental Quality Act (CEQA) Section 15164 of the CEQA guidelines and making certain CEQA Findings and Determinations relative thereto, including a finding that the adopted Downtown Plan Mitigation Monitoring and Reporting Program mitigates, to the extent feasible, impacts associated with Equivalency Program projects, in accordance with those measures set forth in the Downtown Plan; and that no new or different mitigation measures are required; and

Deny the appeal and uphold the decision of the Planning Commission to approve the Site Plan Review for the project, consisting of construction of three (3) eight (8)-story apartment buildings with a total of 900 dwelling units, including 54 affordable housing units, and 38,405 square feet of ground floor commercial space, and 1,383 parking stalls in at-grade parking garages (SPR22-060), and approve Vesting Tentative Parcel Map No. 83693 to subdivide one 170,736-square-foot lot into two lots of 101,724 and 68,712 square feet (TPM22-002), located at 450 The Promenade North/501-599 Long Beach Blvd. in the Downtown Plan Planned Development District (PD-30). (District 1)

On January 19, 2023, the Planning Commission held a duly noticed public hearing on this item and acted to approve the requested entitlements for a proposed 900-unit development including 54 affordable housing units located at 450 The Promenade North in the Downtown Plan (PD-30). The Planning Commission found the project within the scope of the previously certified the Downtown Plan Program Environmental Impact Report (PEIR) and approved the Downtown Plan EIR Addendum (EIRA-02-22) (Attachment A). On January 27, 2023, the approvals were appealed by the Coalition for Responsible Equitable Economic Development Los Angeles (CREED LA) which is represented by Alisha Pember of the law firm Addams Broadwell Joseph & Cardozo (Attachment B). This project lies within the normal jurisdiction of the Planning Commission and is now submitted to the City Council on appeal.

The applicant proposes to develop three eight-story residential buildings and a standalone retail pavilion on an approximately 5.5-acre site within the Downtown Plan. The project site is bounded by 6th Street on the north, Long Beach Boulevard on the east, 4th Street on the south, and The Promenade North and a City of Long Beach (City) parking structure on the west. The project site is bisected by 5th Street, creating northern and southern portions of the project site (Attachment C). The site and all surrounding land uses are located within the PD-30, which is the zoning document for downtown Long Beach.

The current CityPlace development, in which the project site is located, was built in the early 2000s and replaced the Long Beach Plaza Mall, a two-level, 675,716-square foot enclosed shopping mall that was designed in the 1970s and constructed in 1982 with \$35 million in aid from the former Long Beach Redevelopment Agency. The Long Beach Plaza Mall struggled to attract customers to its environment of enclosed, inward-facing stores, with even historically successful large department store anchor tenants such as JC Penney, Montgomery Ward, and Buffum's failing to thrive in the mall. Construction of the Metro Blue Line on Long Beach Boulevard in the late 1980s impeded access to the mall and further aggravated the site's problems. The Long Beach Plaza Mall closed in 1999 and was acquired by Developers Diversified Realty (DDR). DDR demolished the enclosed mall in 2002 and redeveloped the site with the CityPlace project, again with the assistance of the former Long Beach Redevelopment Agency, while retaining the previous mall's parking structures, which are now City-owned. CityPlace replaced the enclosed mall with the open streets and street-oriented commercial storefronts on the site today. CityPlace totals approximately 14 acres of land, including the 5.5-acre project site in addition to three large City-owned parking structures, and currently contains 197,513 square feet of commercial tenant space. The site as it currently exists is significantly underutilized and underperforming compared to the development potential allowed at the site by both the current Downtown Plan and General Plan.

The proposed project includes the complete demolition of on-site improvements, removing all 197,513 square feet of existing commercial and retail uses in two buildings. The project will then develop one eight-story mixed-use building (Building B) on the southern portion of the site and two eight-story buildings [one mixed-use building (Building C1) and one residential building (Building C2)] on the northern portion of the site, and a standalone retail pavilion on the northern portion of the site (Attachment D). The project includes a total of 900 residential units, including 102 studio units, 476 one-bedroom units, 313 two-bedroom units, and nine three-bedroom units.

Each of the three buildings includes a residential garage with three levels of above-grade parking as well as bicycle storage areas located on the ground floor, with air conditioning units, boiler rooms, and space for future solar panels on the roof of each of the buildings. The project includes 31,195 square feet of common indoor open space, 62,027 square feet of common outdoor open space, and 29,747 square feet of private open space, including 451 units with private balconies, depicted on pages A0-5A through A0-5D of plans. The project also includes 181 individual residential storage units for residents, located in the parking

structures. Additionally, the proposed project will develop 38,405 square feet of leasable commercial/retail space, including a 2,405 square-foot, one-story-plus-mezzanine retail pavilion on the north side of 5th Street at the intersection with The Promenade North, separate from the three eight-story buildings. A new pedestrian paseo on the project site's property will connect 5th Street and 6th Street on the west side of Buildings C1 and C2, abutting the City parking structure to the west.

The table below shows a detailed breakdown of the proposed building area and components:

Table 1: Project Summary

Type of Use	Proposed Project
Residential	
Building B	272 dwelling units; 218,603 sq. ft.
Building C1	359 dwelling units; 275,190 sq. ft.
Building C2	269 dwelling units; 207,201 sq. ft.
Total	<i>900 dwelling units 700,994 sq. ft.</i>
Commercial	
Building B	19,782 sq. ft.
Building C1	16,218 sq. ft.
Standalone Retail Pavilion	2,405 sq. ft.
Building C2	0 sq. ft.
Total	38,405 sq. ft.
Parking	
Building B	
Vehicle Parking Spaces	373 parking spaces
Bicycle Park Spaces	58 spaces
Building C1	
Vehicle Parking	576 parking spaces
Bicycle Park Spaces	75 spaces
Building C2	
Vehicle Parking	434 parking spaces
Bicycle Park Spaces	54 spaces
Total	<i>1,383 vehicle parking spaces 187 bicycle spaces</i>
Open Space	
Common Indoor Open Space	31,195 sq. ft.
Common Outdoor Open Space	62,027 sq. ft.
Private Open Space	451 units (50 percent of total) or 29,747 sq. ft.

<i>Total Open Space Provided</i>	<i>122,969 sq. ft.</i>
Building Area (includes parking garages)	
Building B	413,760 gross sq. ft.
Building C1	550,432 gross sq. ft.
Building C2	406,574 gross sq. ft.
<i>Total Building Area</i>	<i>1,370,766 gross sq. ft.</i>

Open Space and Landscaping

The project will provide 31,195 square feet of common indoor open space, 62,027 square feet of common outdoor open space, and 29,747 square feet of private open space, including 451 residential units with private balconies. Each building includes ground level common open space, major amenities on Level 4, and more amenity spaces on Level 8 in each building. The Levels 4 and 8 amenity spaces include pool and spa areas, outdoor seating, fire pits, BBQ areas, turf fitness areas, cabanas, flex lawns, and a dog exercise area. Landscaping is also included at the ground level, within the Level 4 courtyard and pool deck areas, and within the Level 8 roof deck patio areas, consisting of trees and planters. The below table summarizes open space types provided in the project:

Table 2: Open Space Summary

Open Space Type	Building B	Building C1	Building C2
Ground-level: Common outdoor	-	10,971 sq. ft.	-
Ground-level: Common indoor	11,464 sq. ft.	4,765 sq. ft.	4,927 sq. ft.
Level 4: Common outdoor	16,723 sq. ft.	17,595 sq. ft.	13,544 sq. ft.
Level 4: Common indoor	5,636 sq. ft.	4,171 sq. ft.	3,059 sq. ft.
Level 8: Common outdoor	1,068 sq. ft.	1,038 sq. ft.	1,088 sq. ft.
Level 8: Common indoor	1,038 sq. ft.	1,020 sq. ft.	1,218 sq/ ft/

Access and Parking

Residential parking will be provided in above-grade parking levels within a three-story garage within the eight-story buildings. Access to the parking garages for Building B and Building C1 is provided from two right-in/right-out driveways on Long Beach Boulevard and access to the parking garage for Building C2 is provided from one right-in/right-out driveway on 6th Street. The Downtown Plan requires 1.25 vehicle parking spaces per residential unit (one space per

unit plus one guest space per four units), which requires the project to provide 1,126 vehicle parking spaces for the residential uses. The proposed garages provide 1,383 vehicle parking spaces, including 469 standard spaces, 470 compact spaces, 222 standard front tandem spaces, and 222 compact rear tandem spaces. The project also includes a total of 187 bicycle parking spaces. The required 39 parking spaces for the project's proposed commercial/retail spaces will be provided in adjacent City-owned parking structures pursuant to the Parking Rights Agreement 01-1799119, which was signed and recorded in 2005 and allows employees and customers of the commercial/retail tenants to use up to approximately 1,901 parking spaces located in nearby facilities owned and operated by the City. The entire project site is within one-half mile of a high-quality transit stop, making it exempt from parking minimums per Section 65863.2 of the California Government Code (passed by the Legislature as Assembly Bill 2097, and effective January 1, 2023). However, as a practical matter and a reflection of current market demand in the housing market, the developer proposes to meet the parking requirements of the local zoning regulations.

Off-Site Improvements and Street Dedication

The project includes off-site improvements on The Promenade North, Long Beach Boulevard, the north side of 4th Street from The Promenade North to Long Beach Boulevard, and 5th and 6th Streets from The Promenade North to Long Beach Boulevard. Off-site improvements include closure of The Promenade North between 4th Street and 5th Street for pedestrian access only, outdoor seating areas, crosswalks designed with art graphics, outdoor café dining, outdoor work tables, new street trees and plantings, a fire lane, retractable bollards, sidewalk improvements, a security gate, street parallel parking spaces, a dog run, gardens, a pedestrian trail, a playscape, a flex lawn, and potential pocket parks/parklets. The existing 4th Street, 5th Street, and The Promenade North are currently private streets, but will be dedicated to the City as part of the proposed project. However, the dedication will be from curb line to curb line, with the sidewalks, parkways, and street landscaping remaining private to allow private maintenance responsibility for these areas as well as greater flexibility for programming the sidewalk space (sidewalk dining, events, etc.) while still requiring compliance with applicable laws and regulations for publicly-accessible areas (e.g., the path-of-travel and curb requirements of the Americans with Disabilities Act of 1990). The developer's predecessor made an Irrevocable Offer to Dedicate to the City as part of the 1990s approval(s) of CityPlace shopping center, which was not exercised by the City until now, per the determination of the Director of Public Works in conjunction with Public Works review of this project.

Affordable Housing Units

The project is subject to the City's Inclusionary Housing Ordinance. For-rent projects submitted for first approval in 2022 are required to provide six percent of the units in the residential development to be available at an affordable rent to very low-income households. For this project, consisting of 900 units total, 54 units are required to be affordable at the Very -Low Area Median Income (VLI) level. The developer will be required to guarantee the

provision of these affordable units for a period of 55 years through a restrictive covenant. The affordable units are evenly distributed among the project's buildings and among the floors in each building, as depicted on page A0-6 of plans. The affordable units consist of studio, one-bedroom, and two-bedroom units, also evenly distributed between these unit types in each building. The following table summarizes the provision of affordable units in this project:

Table 3: Affordable Unit Summary

Building	B	C1	C2	Size (sq. ft.)
Affordable studios	6	8	6	490-532
Affordable 1-bdrs	5	6	5	647-705
Affordable 2-bdrs	6	8	6	1,011-1,100
Total per building	17	22	17	

While approval and construction of the overall 900-unit project is a major step toward the City's achievement of Regional Housing Needs Assessment (RHNA) targets on its own, the construction of these 54 VLI affordable housing units is especially critical because these VLI units offset a deficit of affordable housing units created through development on other identified housing production opportunity sites that did not or will not achieve RHNA VLI targets.

Vesting Tentative Parcel Map

The applicant also requests approval of a Vesting Tentative Parcel Map to subdivide the parcel on which Buildings C1 and C2 will be located. The parcel will be subdivided from one 170,736-square-foot lot into two lots of 101,724 and 68,712 square feet, to provide a separate lot for each building (Attachment E). Building B will be located on a single existing parcel, which is not part of the requested subdivision.

Downtown Plan Standards and Compliance

The site configuration is well-planned, with adequate vehicular circulation and many elements that enhance the pedestrian-friendliness of the development and surrounding area. One major element is the proposed through-block paseo between 5th Street and 6th Street, which will be a major improvement to the current 6th Street environment in this area, which currently consists of a block-long impenetrable building wall from Pine Avenue to Long Beach Boulevard. The closure of The Promenade North between 4th Street and 5th Street also functions well to enhance the pedestrian activation of the area while providing traffic calming.

The buildings are designed in a contemporary architectural style with traditional design elements and themes. Materials include cast-in-place concrete walls, aluminum panels, steel

panels, brick veneer, perforated metal panels, aluminum lattice, clear and spandrel glazing, and areas of stucco on upper floors. The three buildings share a complementary and harmonious style and are consistent with the general trend of high-quality architecture and development in large projects in downtown Long Beach.

PD-30 includes design standards for mid-rise development that encourage a high-quality architecture and materials, an active streetscape, pedestrian paseos, well-planned building massing and variation, and transit amenities. The project effectively uses a combination of these features that, with the building form, creates a well composed project that meets the intent of PD-30. The interaction between the ground floor street and paseo facades, ground-level units and commercial space, and upper building elements meet and read as a cohesive design to the near and distant viewer. PD-30 also sets forth both guiding principles and mobility goals, and City staff finds that the project conforms to and furthers these goals, as applicable, through its use of mid-rise construction, high quality architecture, dense development, and the project's location at the heart of Downtown adjacent to the Metro A Line (formerly Blue Line).

City staff finds that the project complies with the requirements of PD-30, is consistent with the General Plan, and forwards the City's planning goals by accomplishing and implementing major policies of the Housing, Land Use, Mobility, and Urban Design Elements. The project will create a walkable environment with new residential units that significantly further the City's housing goals. City staff has made positive findings (Attachment F) and has included appropriate conditions of approval to ensure the project's and City's goals are met and standards are maintained (Attachment G).

Appeal

The Planning Commission's January 19, 2023 approval of this project was appealed by CREED LA (Appellant). The appeal focuses exclusively on California Environmental Quality Act (CEQA) issues and raises four main topics of contention in support of the Appellant's overall assertion that the Addendum to the Downtown Plan Program Environmental Impact Report (EIR Addendum) prepared for the project was inadequate. Appellant asserts:

- 1) The project may result in new and more significant impacts than previously analyzed;
- 2) The City's air quality analysis fails to disclose back-up generator emissions, thus underestimating the project's potentially significant air quality, greenhouse gases (GHG), and health impacts;
- 3) The Addendum incorrectly claims to mitigate the project's significant air pollution and GHG impacts with nonbinding mitigation; and,
- 4) The Addendum fails to disclose potentially significant health risks from construction emissions that are more severe than previously analyzed.

The Planning Commission, City staff, and the City's CEQA expert for this project (consulting

firm Environmental Sciences Associates or ESA) all determined that these contentions are without merit. The Planning Commission and City staff have evaluated the EIR Addendum for this project and found that: it is appropriate and adequate; the project will not create new or more significant impacts than those previously analyzed in the Downtown Plan PEIR; all potential impacts were adequately accounted for; and the mitigation measures of the Downtown Plan PEIR as applicable to the project are adequate, appropriate, and enforceable. The position of City staff and the Planning Commission is supported by the law, as none of the conditions requiring a new subsequent or supplemental environmental impact report, as stated in Section 21155 of the Public Resources Code or in Sections 15162 or 15163 of the CEQA Guidelines, are present here. Therefore, the Addendum was prepared pursuant to CEQA Guidelines Section 15164. The Planning Commission and City staff's determination is supported by substantial evidence in the record. Significantly, the appeal relies on a challenge to this project's EIR Addendum's reference to a previous EIR Addendum and the Land Use Equivalency Program (LUEP), both associated with the previously-approved 636 Locust Avenue development project. Any portion of the appeal that relies on this previously adopted and certified EIR Addendum and LUEP for the 636 Locust Avenue Development is timebarred. The 636 Locust Avenue EIR Addendum and LUEP were approved by the Planning Commission on September 16, 2021 and by the City Council on appeal on January 18, 2022, and no successful legal challenge was filed at that time or anytime thereafter (Attachment H). Lastly, under the Housing Accountability Act and the Housing Crisis Act, the City is required to process residential projects fairly, objectively, and on a timely basis, limiting any unnecessary environmental review or excess requirements. A detailed rebuttal of the Appellant's contentions has been prepared and is attached to this report (Attachment I).

Public Hearing Notice

A notice of public hearing for the City Council appeal hearing was mailed on April 3, 2023, in accordance with the requirements of Chapter 21.21 of the Long Beach Municipal Code (LBMC). This notice also was provided to the Appellant and to other parties that had commented or specifically requested notice for this project.

Public Comment

Twenty-two written public comments were received prior to the Planning Commission hearing on January 19, 2023 (Attachment J). These included 18 letters in support from business and neighborhood groups and representatives, one letter expressing concern that the project would include in-unit natural gas appliances (it will not), one neutral letter from a neighborhood group, one letter from the Lozeau Drury law firm on behalf of Supporters Alliance for Environmental Responsibility objecting to the project's CEQA approach, and a further letter from the principal of the Lozeau Drury law firm preliminarily withdrawing the earlier objection. The Planning Commission meeting was heavily attended, and thirty-nine persons provided verbal testimony. Comments given in verbal testimony covered a wide range of positions, including support for housing, construction jobs, affordable housing, and

downtown revitalization, and opposition due to CEQA or environmental concerns, labor concerns, and affordable housing concerns. Additional comments timely received prior to the City Council meeting also will be attached to this report or otherwise will be provided at or before the appeal hearing.

Environmental Review

Pursuant to CEQA and the State CEQA Guidelines, this project was analyzed as part of the previously-certified Downtown Plan PEIR. An EIR Addendum (EIRA-02-22) was prepared for this project. The EIR Addendum analyzed the proposed project in accordance with the Downtown Plan PEIR (SCH No. 2009071006) and determined that the project will not result in any new significant impacts that exceed those analyzed in the Downtown Plan PEIR, with mitigation measures included (Attachment K). Additionally, the development is subject to the Downtown Plan PEIR Mitigation Monitoring and Reporting Program (MMRP). The MMRP is designed to ensure compliance with adopted mitigation measures during project implementation. For each mitigation measure recommended in the PEIR that applies to the applicant's proposal, specifications are made that identify the action required and the monitoring that must occur. In addition, the MMRP identifies the party responsible for carrying out and for verifying compliance with each individual mitigation measure.

This matter was reviewed by Deputy City Attorney Erin Weesner-McKinley on April 3, 2023 and Revenue Management Officer Geraldine Alejo on February 23, 2023.

Per Section 21.21.504 of the Zoning Regulations, a public hearing on the appeal is required to be held within 60 days of receipt of the appeal by the City Clerk from the Development Services Department. The appeal was filed and received on January 27, 2023, and the 60-day period expires on March 31, 2023. However, the appeal hearing date was extended to April 18, 2023 at the applicant's request. Timely conclusion of this matter is now required under both LBMC Section 21.21.504 and the state Housing Accountability Act.

There will be no cost to the City associated with the recommendation. The conditions of approval specify that any cost related to improvements and enhancements within the right-of-way will be paid for by the developer and includes street and sidewalk improvements, bus stop relocation and enhancements, and street dedication. This recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities. There is no local job impact associated with this recommendation.

Approve recommendation.

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CHRISTOPHER KOONTZ
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:

THOMAS B. MODICA
CITY MANAGER